

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION No. 9751 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

4 Whether this case involves a substantial question
of law as to the interpretation of the
constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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**GUJARAT STATE ST DRIVER- CONDUCTOR TRAFFIC STAFF ASSOC. -
Petitioner(s)**

Versus

G S R T CORPN & 4 - Respondent(s)

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Appearance :

MS VIRAJ FOZDAR AND MR SHALIN N MEHTA for Petitioner(s) : 1

None for the Respondent no.1

MS MANISHA LAVKUMAR ASSTT. GOVERNMENT PLEADER for Respondents: 2 - 3.

SERVED BY AFFIX.-(R) for Respondent(s) : 4

MR RD RAVAL for Respondent(s) : 5

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 30/08/2007

ORAL JUDGMENT

1. Ms. Viraj Fozdar and Shri Shalin Mehta, learned
counsel for the petitioner. On the first call,

Ms. Manisha Lavkumar, learned AGP appeared for the respondents no. 2 and 3; none appeared for the respondent no.1; Shri R.D. Raval learned counsel was present for the respondent no.5 and there was no representation for and on behalf of the respondent no.4 though served. Instead of proceeding ex parte against the respondent no.1, I directed that the case be taken as passed over. Even on the second call at 12.50, when the Court is left with no work, learned counsel for the petitioner are present but none appears for and on behalf of Shri Hardik C.Raval, learned counsel for the respondent no.1.

2. Gujarat State ST Driver-Conductor-Traffic Staff Association, being aggrieved by the order dated 14.12.99, passed by the Gujarat State Road Transport Corporation under the signature of the Vice President and Administrative Officer rejecting the prayer made by the petitioner for its recognition, is before this Court under Article 227 of the Constitution of India.
3. Shri Shalin Mehta, learned counsel for the petitioner, after taking me through the order dated 14.12.99, submitted that the order does not contain any reasons and as it does not consider the questions which were required to be considered for passing appropriate and legal order, the order deserves to be quashed. Shri R.D. Raval, learned counsel for the respondent no.5, however, submitted that the order dated 14.12.99 does not contain any reason, therefore,

the order prima facie, cannot be termed as a good order. He, however, submitted that if the Court is remanding the matter back to the Gujarat State Road Transport Corporation for reconsideration of the request made by the petitioner, then, the respondent no.5 be allowed to take part in the proceedings, because, any order passed in favour of the present petitioner is likely to adversely affect the present respondent no.5.

4. After hearing the learned counsel for the parties, I must hold that the order dated 14.12.99 [RPAD- No. STG-185-Labour-4619] sans reasons, it does not take into consideration the facts including the fact that the present petitioner was claiming membership of 14032 persons, in accordance with the earlier judgment of this Court, it had made a representation. It would be trite to say that when a representation is filed by somebody, then the authority considering the representation is required to pass a speaking order. An authority cannot say that after going through the representation it does not find any reasons to grant representation. Such order would be an order showing non-application of mind and would also project that the authority was not considering the grounds on which certain reliefs were claimed. An order passed by an authority must give reasons so that the appellate, revisional or writ Court are benefited by the reasons while

deciding the matter if that goes before them.

5. The order dated 14.12.99 cannot be termed to be legal or valid order, it deserves to and is accordingly quashed. The matter is remanded to the Gujarat State Road Transport Corporation. The petitioner shall appear before the Gujarat State Road Transport Corporation either before its President or Vice President, on 10th October, 2007, with a copy of this order enabling the concerned authority to know as to what it is required to do. After the petitioner appears before the said authority, the respondent no.1 shall issue necessary notices to the respondents no. 4 and 5 and after securing their attendance, would proceed further with the matter. It is, however, directed that any person, a group of persons, an association, if are interested in opposing or supporting the representation made by the petitioner, then, such person would also be heard by the concerned authority.
6. The authority shall finally decide the matter after giving due opportunity of hearing to the parties within a period of four months from the date of securing attendance of the respondents no. 4 and 5.
7. The petition is allowed to the extent indicated above. No costs. Rule is made absolute accordingly. No costs.

[R.S. GARG, J.]

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